ONTARIO SPECIAL EDUCATION
(ENGLISH) TRIBUNAL

TRIBUNAL DE L'ENFANCE EN DIFFICULTÉ
DE L'ONTARIO (FRANÇAIS)

Ontario

Annual Report

2007-2008

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Ontario

June 12, 2008

The Honourable Kathleen Wynne
Minister of Education
900 Bay Street, Mowat Block
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Toronto, ON M7A 1L2

Dear Minister Wynne,

We are pleased to submit the 2007-08 Annual Report of the Ontario Special Education (English) Tribunal and the Tribunal de l'enfance en difficulté de l'Ontario (français). This report covers the activities and expenditures for the period of April 1st, 2007 to March 31st, 2008.

Yours sincerely,

Marilyn Thain
Chair
Ontario Special Education (English) Tribunal

Céline T. Allard
Chair
Ontario Special Education (French) Tribunal

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INTRODUCTION AND HIGHLIGHTS

The Ontario Special Education (English) Tribunal and Le Tribunal de l'enfance en difficulté de l'Ontario (français) (the Tribunals) are pleased to submit this Annual Report on the activities of the Tribunals from April 1, 2007, to March 31, 2008.

The report was prepared for submission to the Minister of Education in accordance with the Agency Establishment and Accountability Directive, 2000, as issued by the Management Board Secretariat. In addition, the Tribunals submit this report to keep the Minister of Education informed about the work of the Tribunals and about the issues in special education that are identified by the Tribunals through the inquiries and the appeals received.

The Tribunals' priorities are shaped by their legislated mandate. The core function, under section 57 of the *Education Act, R.S.O.* 1990, c. E.2, is to adjudicate appeals by parents regarding identification or placement decisions made by school boards about exceptional pupils. The Tribunals offer parents of exceptional students access to due process rights, which are unique in Canada.

Adjudication is the core work of the Tribunals. During 2007–08, the English Tribunal had nine new appeals and one carried over from the previous fiscal year. No new appeals were filed with the French Tribunal. Of these appeals to the English Tribunal, five have been completed. A caseload analysis is provided in this report.

The Tribunals have taken steps to modernize their processes to better serve the public and their stakeholders. These steps are consistent with the recommendations in the *Facilitator Agency Cluster Report, 2007* and the Ministry of Government Services *Governance Tools, 2007* to promote good governance, the cornerstone of organizational and service excellence The Tribunals worked diligently to build on these directives to enhance the Tribunals' capacity to meet their mandate.

One step taken by the Tribunals to enhance the adjudicative process was to develop policies to establish regulatory consistency, transparency, and predictability. The availability of policies and procedural directions helps the parties of an appeal to be better informed and better prepared to present their case. This readiness on the part of the parties enables the Tribunals to handle appeals in a more expeditious and effective manner.

The policy and procedure directions that were completed in 2007–08 are:

- *Privacy Procedures for Writing Tribunal Decisions;*
- *Procedures for Consent Orders;*
- *Procedures for Dealing With Issues Related to Seized Cases;*
- *Complaint Process;*

The Tribunals support the goal of the Government of Ontario to provide a process for the impartial resolution of disputes between parents and school boards concerning the identification and the placement of exceptional pupils, in the best interests of individual students. In the Tribunals' *Business Plan, 2007–2010,* a commitment was made to develop and implement a mediation process specific to these Tribunals. During the 2007–08 fiscal year, four English members and two French members took formal training in mediation and are ready to help the parties of an appeal to resolve some or all of the issues without going to a hearing. This process has been established and is ready to be implemented during the 2008–09 fiscal year.

The Tribunals recognize the importance of public awareness and understanding of the process, and they acknowledge that the majority of cases that come before the Tribunals are brought forward by unrepresented parents. As a result, an Access Committee was established to ensure that appropriate guides and tools are made available to all parties.

In addition, the Tribunals launched a website in spring 2007. The website contains information to help the parties of an appeal and information accessible to the general public. The website is regularly updated and enhanced to ensure that all information is current and relevant to the practices of the Tribunals.

Ongoing training is integral to having the members maintain a solid working understanding of the adjudicative process. The Tribunals held all-members' meetings, attended the annual Conference of Ontario Boards and Agencies (COBA), and took other appropriate training.

The Tribunals are committed to best practices in governance and excellence in adjudication. Although the Tribunals already have some comprehensive practices in place, there is still a need for further development.

The Tribunals will continue to make operational improvements and maintain a commitment to public access and transparency while delivering high-quality services.

MANDATE

The Tribunals' legislative authority is set out under subsection 57 (1) of the *Education Act:* "The Lieutenant Governor in Council shall establish one or more Special Education Tribunals."

The Tribunals' mandate is set out in subsections 57 (3) and 57 (4). Subsection 57 (3) states, "Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may appeal to a Special Education Tribunal for a hearing in respect of the identification or placement."

Subsection 57 (4) reads, "The Special Education Tribunal shall hear the appeal and may:

(a) dismiss the appeal; or
(b) grant the appeal and make such order as it considers necessary with respect to the identification or placement."

In accordance with subsection 57 (5) of the *Education Act*, a decision of a Special Education Tribunal is final and binding on the parties to the decision.

ACCOUNTABILITY

The Ontario Special Education (English) Tribunal and Le Tribunal de l'enfance en difficulté de l'Ontario (français) are committed to conducting timely, fair, efficient, and impartial hearings that are consistent with the governing legislation and regulations under the *Education Act*. The Tribunals are independent adjudicative agencies of the Government of Ontario, reporting through the Minister of Education.

In the adjudication of cases, the Tribunals function as independent quasi-judicial bodies, subject to the principles of natural justice and the requirements of the *Statutory Powers Procedures Act*. The Tribunals' primary role is adjudicating appeals by parents of the identification or placement decisions made by school boards about exceptional pupils. The Tribunals are accountable through the courts (judicial review process) for the fairness and correctness of their adjudicative decisions.

The business functions of the Tribunals are managed by the staff of the Special Education Policy and Programs Branch of the Ministry of Education, in accordance with the management practices of the Ontario Government.

The Tribunals' relationship with the Minister is governed by a Memorandum of Understanding (MOU) between the Tribunals and the Minister of Education. The MOU describes the responsibilities of the Minister, the Tribunals' chairs, and the members, and specifies that the Tribunals are required to provide the Minister with an annual report, an annual business plan, and a budget.

THE TRIBUNALS' FUNCTIONS

Adjudication

Fair and Open Process

The Tribunals are committed to providing a fair and open process when responding to the appeals made by parents under section 57 of the *Education Act*. To do this, the Tribunals have developed a number of documents and resource materials to ensure that all members know and understand their responsibilities as adjudicators and that parties appearing before the Tribunals are aware of the Tribunals' procedures.

Quality Decisions

To achieve quality decisions, it is necessary that the Tribunals' members have available to them resources to assist in the deliberation and decision-writing process. A court reporter is assigned to each hearing to provide transcripts to the members, ensuring that the information is reported accurately in the decisions. The Tribunals have access to legal counsel to ensure that all hearings are conducted and all decisions are written with due regard for the Tribunals' legal mandate and the principles of procedural fairness and natural justice.

Timely Decisions

The *Rules of Procedure* state that all decisions should be rendered within ninety days of the last day of the hearing.

Staff support, in the form of the Tribunals' secretary, has a significant impact on whether or not the Tribunals' members can perform their role as adjudicators in an effective manner. The secretary's work is integral to the entire process and to the Tribunals. Working together, the Tribunals' members, the Tribunal secretary, and the Tribunals' counsel are committed to ensuring that all decisions are of high quality and are rendered in a timely manner.

Alternative Dispute Resolution

The Tribunals' members agree that it is important to promote and preserve a positive relationship between parents and school boards. To do this, the Tribunals believe that there are alternative ways to solve disputes that can help to preserve positive relationships and cut costs, in both monetary and personal terms. Alternative Dispute Resolution (ADR) provides many advantages to those who want to use it: prompt scheduling, confidentiality, flexibility, economy, finality, and preservation of relationships.

In the past, the Tribunals encouraged and helped parties to attempt mediation as an alternative to a hearing. Many of the cases that come before the Tribunals could likely be resolved in whole or in part through an effective ADR intervention.

Going forward, mediation provided by a trained member of one of the Tribunals will be included as a process available to the parties of an appeal.

Public Information

It is important that the public be well informed of the tribunal process. The Tribunals' public in this context includes:

- parties to hearings (parents and school boards) and their representatives (lawyers or advocates);
- parents who are considering applying to the Tribunals, or school boards that are anticipating an appeal from a parent to the Tribunals;
- persons who are interested in attending hearings of the Tribunals;
- persons who are interested in being appointed to the Tribunals;
- law offices seeking copies of decisions;
- educational researchers or graduate students seeking copies of decisions;
- libraries (e.g., in Faculties of Education) seeking copies of decisions;
- other Ontario regulatory and adjudicative agencies;
- persons from other jurisdictions wanting to know how special education appeals work in Ontario.

Interested individuals can contact the Tribunals through the secretary of the Tribunals. The Tribunals can also be reached through their website at www.oset-tedo.ca. In addition to enhancing public access to the Tribunals' documents, it is anticipated that the website will decrease staff time required to respond to requests for documents and general information.

ISSUES FACING THE TRIBUNALS

The Ontario Special Education Tribunals have been part of Ontario's unique approach to guaranteeing natural justice and due process for students with special needs and their families for more than twenty years. Although the actual number of appeals is small, the right of appeal continues to be very important for those families whose issues have not or cannot be resolved by other means.

New directions and changes in legislation may increase or decrease the demand for appeals or change the nature of the appeals that are made to the Tribunals. Although most of these factors are outside the Tribunals' control, because of their potential impact on the Tribunals' work, it is appropriate for the Tribunals to be aware of them.

In the *Annual Report, 2006–2007* the Tribunals cited a series of issues they were facing. We are pleased to report that several of these have been addressed, such as the availability of a stable complement of competent members; the launching of the Tribunals' website, with a link to the Ministry's website; the discussion of the Tribunals' status in terms of greater independence; and the introduction of mediation as a way of resolving or diverting disputes between parents and school boards. Listed below are issues observed by the English Tribunal that continue to challenge the Tribunals in terms of the Tribunals' adjudicative mandate.

Parental Access to Information

Regulation 181/98 states that each school board will prepare a *Parents' Guide to Special Education* and make this guide available to parents. The Ministry of Education has distributed a template to school boards with a recommended format for these guides. The purpose of the *Parents' Guide to Special Education* is to ensure that parents are aware of the legally mandated process available to them to obtain special education programs and services for their children. The Tribunals have observed that several parents who have contacted the Tribunals for information have indicated that they were not aware of the details of the appeal process and in some cases were not aware of the existence of the guide. This oversight is clearly a concern for parents, who need to be well informed of their rights and their children's rights.

Parental Access to the Identification, Placement and Review Committee and Appeal Process

In the previous *Annual Report, 2006–2007,* tabled with the Minister in 2007, the Tribunals noted that the Ministry's report *Special Education Transformation* cited a level of concern about the administrative burden on school boards related to the Identification, Placement and Review Committee (IPRC) process. The Ministry of Education has confirmed several times since then that parental and student rights of appeal under *Regulation 181/98* have not been changed.

This confirmation was followed by the Ministry of Education's release of a document titled *Shared Solutions, 2007.* This very successful and well-received document states

among other things, that "an IPRC is not required when both the school and the parents agree that the student with special education needs should be placed in a regular classroom" (*Shared Solutions, 2007*, p.7).

This approach is very successful for some students, but for others, it can alter their right of access to appropriate special education programs, services, and accommodations. The advantage of the IPRC process is that it focuses on identifying strengths and needs and determines how the needs will be met in the agreed on placement.

In several cases in the last few years, parents have appealed their child's placement to the Tribunals because they were concerned the regular class placement that they had agreed to had resulted in losing access to appropriate special education programming. Although that is obviously not the intent of school boards that make special education arrangements with parents outside the IPRC process, it is sometimes the outcome. This loss of access appears to happen for students who are identified as:

- gifted and whose school boards no longer have either congregated or withdrawal gifted programs;

- having specific learning disabilities and requiring individualized, differentiated teaching to enable them to master the provincial curriculum;

- having Autism Spectrum Disorder (ASD) and have limited access to applied behaviour analysis (ABA) programming in their placement.

The Tribunals note that if no IPRC is convened, the subsequent appeal rights to the Special Education Appeal Board and, if needed, to the Tribunals are not available to parents. Although parents can ask for an IPRC, the queries made to the Tribunals' office by parents suggest that they often do not know this fact and do not know how to request an IPRC. Similarly, parents have told the Tribunals they are asked to waive their right to participate in an initial IPRC or an annual review IPRC. Without an IPRC, parents have no right of appeal.

The Individual Education Plan (IEP) is the means of communicating to parents the programs and services that their children will receive. The Tribunals hear from boards who describe how parents are given opportunities to participate in the process and how an IEP can be used in the child's best interests. The Tribunals also hear from parents about the delays that result in the development of the IEP beyond the thirty-day required time line stated in *Regulation 181/98*. Parents have told the Tribunals that when school boards do not meet the time line requirements set out in the Regulation, access to the SEAB or, if needed, to the Tribunals is not available to parents.

In the *Annual Report, 2006–2007* the Tribunals reported on the improvements made regarding the time lines for convening SEABs. However, during the 2007–08 fiscal year, the Tribunals noted that the convening of SEABs is sometimes delayed well beyond the required time lines in *Regulation 181/98*. This delay represents a barrier for parents and is seen as a denial of natural justice. The lack of adherence to *Regulation 181/98* in

terms of time lines and general responsibilities causes undue delay in the filing of matters before the Tribunals and, consequently, delays in the Tribunals providing assistance to the parties.

One solution to this difficulty that the Ministry may want to consider is to replace the SEAB with mandatory mediation and, if necessary, follow with direct access to the Tribunals.

The Matter of Unrepresented Parties

The Ontario Special Education Tribunals typically hear appeals from parents who are not represented by legal counsel. The other party at the hearings, the school board, is almost always represented by legal counsel. This difference results in an uneven balance of power and represents a challenge for the adjudicators.

The Tribunals have a responsibility to ensure that self-represented persons are provided with fair access and equal treatment. The Tribunals are actively working on determining how to help unrepresented parties while complying with the legislation and maintaining a balanced and unbiased approach.

School boards often question the Tribunals' jurisdiction to hear appeals. Responding to questions of jurisdiction requires parents to argue legal questions in front of the Tribunals, instead of being able to focus on the identification and placement of their children. When both parties of an appeal are represented by lawyers, they are able to assert their right to be heard. Because many appellants before the Tribunals are self-represented, it is important that the hearing process not only be fair but also be seen to be fair. Parents can be cowed by an adversarial process that pits them against a well-trained litigator. Parents need to feel that they have been given a fair chance to represent their child.

The Tribunals have attempted to create a level playing field by:

- informing parents on Form A that they have the right to be represented by a lawyer or an advocate;
- developing information materials suitable for self-represented parties.

The Matter of Appropriate Representation

Recent amendments to the *Law Society Act, R.S.O. 1990,* c. L.8 and the *Statutory Powers and Procedures Act, R.S.O. 1990,* c. S.22 have specified that, in most circumstances, only lawyers or accredited paralegals are permitted to represent parties before administrative tribunals. As an exception to this requirement, the *Law Society Act* permits family members, friends, neighbours, and members of not-for-profit organizations who meet the exemption in By-law 4 to represent parties before tribunals. Historically, some parents have been represented before the Tribunals by advocates

with expertise in the area of special education. The changes to the *Law Society Act* and the *Statutory Powers and Procedures Act* may preclude such advocates from assisting parents, unless they meet the legislative requirements to act as representatives or fall within one of the statutory exceptions.

In spite of the above concerns, it is important to note that no other jurisdiction in Canada has expert administrative tribunals responding to parental objections to the identification or placement of their child in special education. Maintaining the parental right of appeal is a credit to Ontario's government and educational system.

The principles of natural justice are the common law principles that have developed over time to ensure that all parties are treated fairly. These principles provide a framework for guiding the Tribunals' members in ensuring that each side has a genuine and equal opportunity to influence the decision maker. The core principles can be most simply stated as:

- the right to be heard;
- the right to an impartial decision maker.

Parents who appeal to the Tribunals should be guaranteed natural justice and due process rights on behalf of their exceptional children.

AGENCY PERFORMANCE

The *Business Plan, 2007–2008* contained three key commitments, related to the Tribunals' core tasks:

Adjudication—*Key Commitment*: The Tribunals will ensure that the principles of fairness, quality, and timeliness of written decisions are incorporated into all procedures and decisions of the Tribunals.

The *Rules of Procedure* and *Information for Parties* were reviewed and amended by October 2007. The amendments included provision for parties to be assisted by persons who are permitted to provide legal services without a licence, as set out in section 30 of By-Law 4, made under section 62 (0.1) of the *Law Society Act, R.S.O. 1990,* c. L.8. The amended documents were posted on the Tribunals' website in English and French.

The Tribunals' *Code of Conduct* was revised in September 2007, in line with the guidelines of the Conflict of Interest Commissioner. The Tribunals' members all affirmed their commitment to and compliance with the *Code of Conduct.*

Time lines established for responding to appeals and rendering the decision within ninety days have been met.

Performance targets for adjudication were all met during 2007–08.

Alternative Dispute Resolution (ADR)—*Key Commitment:* The Tribunals will establish an ADR process to encourage parties to either resolve their dispute without a hearing or simplify their issues before the hearing.

Parties are encouraged to consider mediation, even if they had already indicated on their application forms (Forms A and B) that they are not interested in mediation. The Tribunals' ADR Committee has developed a process for the Tribunals' members who are trained in mediation to help parties resolve their differences. Implementation of this model will occur in the fiscal year 2008–09.

With the ADR process developed, this performance target has been met.

Public Information—*Key Commitment*: The Tribunals will provide easy access to relevant information.

All current documents written by and previous decisions made by the Tribunals were posted on www.oset-tedo.ca, making it easier for parties to access this information.

The Tribunals' website invites and receives feedback from the public. A formal response process, *A Complaint Process*, was completed and implemented by the Tribunals to deal effectively with comments from the public.

The Tribunals have formed an Access Committee to look into improving access to the hearing process for parties with literacy, legal literacy, and disability issues.

Information about the hearing process is readily available on the website. In addition, the *Rules of Procedure* and *Information for Parties* are mailed to the parties with Form A and Form B. The Tribunals' secretary is available to answer procedural, but not legal, questions.

This performance target was also met.

CASELOAD ANALYSIS

During the fiscal year 2007–08, the English Tribunal received nine new appeals and one request in a case that had been previously seized. Of these appeals:

- one was screened as ineligible;
- one was dismissed without a hearing when a settlement was reached;
- two were withdrawn by the parents.

Five cases are currently active, at various stages of the process.
All cases concerned placement, and four cases dealt with students with autism. In these nine cases, four different school boards were parties to the appeals.

The English Tribunal encouraged the parties enter into mediation.

Analysis of the Disposition of the Thirty Cases Resolved Between April 1, 2005, and March 31, 2008

Period	Dismissed Without a Hearing on the Merits	Withdrawn by Parent	Consent Orders	Written Decision on the Merits	Total
2005–06	3	2	1	2	8
2006–07	5	8	3	2	18
2007–08	2	2	0	0	4*

Total Number of New Appeals Filed Between April 1, 2005, and March 31, 2008

Year	2005–06	2006–07	2007–08
Number of Appeals Filed	11	3	9

- During 2005–06, twelve cases were carried forward from the previous year.

FINANCIAL RESOURCES

Financial support for the operation of the Tribunals is provided from within the budget of the Ministry of Education.

During 2007–08, the Tribunals' staff continued to use the expenditure tracking system. This system assists the Tribunals with maintaining an up-to-date knowledge of the budget, which facilitates appropriate planning throughout the year.

The following table summarizes direct operating expenditures of the Tribunals for the 2007–08 fiscal year.

Tribunals Operating Expenditures, 2006–2007 and 2007–2008

	2006–07	2007–08
Transportation and Communication	$46 102	$33 609
Services:		
• Per diem payments to members	$203 246	$211 789
• Other services (e.g., court reporting)	$114 450	$47 602
Supplies and Equipment	$7 495	$5 167
TOTAL	**$371 293**	**$298 177**

The above expenditures do not include salary and benefit costs of the Tribunals' secretary, the office overhead costs of the staff support provided by the Ministry of Education, or the cost of the Tribunals' counsel.

The increase in the total per diem payments to members for 2007-08 reflects the government's decision to increase in 2007 the rate at which OIC appointees are paid.

HUMAN RESOURCES

The primary role of the Tribunals' members, who are Lieutenant Governor in Council appointees, is to conduct fair, efficient, and impartial hearings. Central to good decision making is the members' understanding of the legal and administrative framework in which decisions should be made. In turn, this knowledge depends on the members receiving adequate training in relation to that framework.

In addition, the members' insights and diverse viewpoints are invaluable in helping the Tribunals successfully discharge their mandate.

The Ontario Special Education (English) Tribunal has eight members, including the chair, and Le Tribunal de l'enfance en difficulté de l'Ontario (français) has three members, including the chair.

Brief biographical summaries for each of the appointed members can be found on the Tribunals' website at www.oset-tedo.ca.

Members of the French Tribunal

Name	Role	Initial Appointment	Expiry Date
Céline T. Allard	Member, Chair	May 1, 1991	February 12, 2013
Yvon Huppé	Member	October 18, 2005	November 17, 2011
Robert Lefebvre	Member, Vice-Chair	January 27, 2005	February 26, 2013

Members of the English Tribunal

Name	Role	Initial Appointment	Expiry Date
Marilyn Thain	Member, Chair	February 28, 1996	February 12, 2013
Derryn Gill	Member	April 6, 2005	June 19, 2012
Janice Leroux	Member	November 15, 2006	November 14, 2008
Julie Lindhout	Member	April 6, 2005	June 19, 2012
Uma Madan	Member	October 18, 2005	November 17, 2011
Jim McCaughey	Member	May 11, 2005	May 8, 2012
Eva Nichols	Member, Vice-Chair	January 27, 2005	February 26, 2013
Noel Williams	Member	October 18, 2005	November 17, 2011

The English and French Tribunals are now supported by one full-time bilingual secretary who is responsible for the processing of the appeals, which includes all administrative steps necessary to schedule and resolve an appeal from the date of filing to the closing of the file.

Professional Development

To promote a learning culture of continuous improvement in the Tribunals, a number of planned learning experiences occurred over the 2007–08 fiscal year.

The Tribunals' chairs and members need to have a thorough understanding of administrative law principles and practice, as well as of special education in Ontario. It is important that members of the Tribunals have the skills, the experience, and the proficiency to achieve the mandated goals.

During 2007–08, the Tribunals' members met for two day-long sessions of professional development for discussions related to issues of policy, law, and adjudicative practice. Some members worked on the Access Committee, and several regularly scheduled meetings of the chairs, vice-chairs, and legal counsel took place.

As part of their commitment to adjudicator training, the Tribunals sponsored all members to attend the annual educational conference organized by the Society of Ontario Adjudicators and Regulators.

No new members were appointed to either the French or the English Tribunal during 2007–08. Seven of the eight English members and all three French members were

reappointed during 2007–08 for a five-year term. In preparation for new member appointments, the Tribunals have an orientation and training program in place.

Members are provided with the resource materials necessary to support their roles as adjudicators. These include a compendium of *Education Statutes and Regulations*, copies of the *Education Law Reporter for Elementary and Secondary Schools*, and updates on relevant legislative and policy matters.

Members are expected to comply with the Tribunals' *Code of Conduct,* including the new conflict of interest provisions, and are encouraged to actively increase their knowledge and understanding of administrative justice.

The following chart highlights the formal training opportunities made available to the members:

Dates	Topic	Sponsor of Program/Course	Attendees
May 7, 2007	Intensive Course on Special Education Law	Osgood Professional Development	1 member
May 8–11, 2007	ADR Training	Stitt Feld Handy	4 members
June 11, 2007	New Ontario Human Rights System	Ontario Bar Association	4 members
July 25, 2007	Paralegals Legislation	Law Society of Upper Canada	2 members
September 24–28, 2007	Adjudicator training for new member	Society of Ontario Adjudicators and Regulators (SOAR)	1 member
November 2, 2007	Conference of Ontario Boards and Agencies (COBA)	SOAR	All members
November 27–30, 2007	Advanced ADR Training	Stitt Feld Handy	5 members
January 22-25, 2008	Advanced ADR Training	Stitt Feld Handy	2 members
March 31, 2008	Front-Line Adjudicator Training	SOAR	3 members

Administrative Support

The business functions of the Tribunals were managed by the Ministry of Education staff, in accordance with the management practices of the Ontario Public Service.

The secretary of the Tribunals, in addition to managing the administrative process of appeals, also manages a host of administrative tasks and is the main contact for receiving inquiries about the Tribunals.

A court reporter records the proceedings at each hearing. This process results in complete transcripts of the proceedings, which are made available to the members of the panel. Hearing transcripts are also available to the parties (at their own cost) with the permission of the appropriate Tribunal (English or French).

Legal support is provided to the Tribunals by two lawyers from the Crown Law Office—Civil, Ministry of the Attorney General.

LOOKING AHEAD

The Tribunals are committed to responding in a prompt, judicious manner to all the appeals filed. A primary focus in the coming year will be to implement the mediation process. This process will be made available to the parties of all appeals filed, and parties will be strongly encouraged to participate.

The Tribunals are committed to continuing to meet their performance targets and to fulfil their mandate as set out in the *Education Act*. The Tribunals will also continue to pursue methods of increasing efficiency of operations and processes, and delivering a high quality of service.